



Setti D. Warren
Mayor

Off-Leash Area Working Group
January 29, 2010
9:00 am
Room 222- City Hall
Meeting Minutes



Robert J. DeRubeis
Interim
Commissioner

Attending: Lee McIntyre, *Friends of Cold Spring Park*, Officer Ralph Torres, *Animal Control Officer*, Amy Koel, *DOLAC Chairman*, Walter Bernheimer, *Parks & Recreation Commission*, Ted Kuklinski, *Newton Conservators*, Carol Schein, *P & R Open Space Coordinator*, Carol Stapleton, *Recreation Manager*, Ann Dorfman, *Citizen Representative*, Robin McLaughlin, *Secretary*

Absent: Bob DeRubeis, *Interim Commissioner*, Fran Rice, *P & R Commission Member*

Interim Commissioner DeRubeis requested Lee McIntyre facilitate the meeting in his absence.

1. Development of Criteria

- Mr. McIntyre distributed a copy of the criteria including language developed at the previous meetings. Mr. McIntyre commented the criteria are not at the ranking stage, the group must determine the correct language. All group members agreed. Mr. McIntyre stated he will record the following recommendations and submit the updated criteria later today.
 - a. ADA Compliance- Assure availability of close by parking and an accessible route of access into the park (or reasonably able to be made accessible) in compliance with the Americans with Disabilities Act of 1990. (Question here: does each park have to be compliant or is this a general goal for the project that may be satisfied by having some percentage of the parks ADA compliant?)

Mr. McIntyre inquired if the goal of this criteria is all off-leash areas (OLA's) meet ADA compliance.

Ms. Dorfman recommended any OLA's that require new construction, including the installation of a fence, should be made ADA compliant.

Ms. Schein agreed with Ms. Dorfman and stated the existing green spaces are the areas in question. One of the ADA requirements is a smooth, firm surface to the entrance of the green space from a parking space or a bus stop.

Ms. Koel commented the group would need to wait for the Law Departments final ruling on ADA Requirements. Ms. Koel recommends the group require some of the OLA's be made ADA compliant even if it is not a legal requirement.

Mr. McIntyre will add a general statement to make OLA's ADA compliant.

Mr. Kuklinski stated money may be available from the Mayor's Committee for People with Disabilities for ADA compliant OLA's.

- b. Aesthetic Impact- Due consideration should be given to the aesthetic impact that an off-leash dog area might have on the visual character of a park (e.g., fences, signs, etc.)

Mr. Bernheimer commented aesthetics are important but they are also a matter of individual taste. Both Ms. Dorfman and Ms. Schein agreed.

Mr. McIntyre also agreed aesthetics is in the eye of the beholder, and our goal should be to make as few changes as possible. Some changes could be made that would improve the aesthetics.

Ms. Schein commented any changes should stay within the character of each green space. Mr. Bernheimer commented it is his personal preference to use the word ‘will’ instead of ‘should’.

Ms. Koel commented if current unofficial OLA’s become official, some of the communities in these unofficial OLA have stated they would assist in caring for the green space.

Ms. Schein stated the care of a green space would need to be discussed in the next phase

- c. Conservation Impact–Due consideration should be given to the impact that an off-leash dog area might have on wildlife and plants in surrounding areas.

Mr. McIntyre stated Conservation is not in the eye of the beholder, the language for this criteria needs to be better.

Mr. Bernheimer stated there can be no negative impact.

Ms. Schein recommended the language ‘environmentally sensitive’ be added.

Mr. Kuklinski inquired if a reference should be made to the Conservation Commission. Mr.

McIntyre stated the Conservation Commission would be included in the approval process.

Mr. Kuklinski commented cutting down trees is bad idea. Ms. Dorfman stated trees may need to be cut down to accommodate additional parking, officer Torres agreed.

Ms. Koel asked Mr. Kuklinski how specific the group should be. Mr. Kuklinski stated the current language, and the additions discussed, are appropriate.

- d. Consideration of Abutters–Off-leash areas should be located in such a way as to have the least possible impact on neighbors for things like noise, parking, and foot traffic into the park.

Mr. Bernheimer stated the “least” possible impact would be zero. The language should read “feasible” not “least”.

Ms. Dorfman commented the issue at Cold Spring Park is the legal OLA was opened next to the trails which are an unofficial OLA. This mistake should not be made again.

Mr. McIntyre commented this issue should be addressed under *Impact on other usage*.

- e. Current Usage – The question of whether dog owners are already using a proposed site for off-leash should be considered. If not, what barriers to off-leash use might be present? If so, what impacts already have been felt?

Ms. Schein requested clarification between the criteria *Current Usage* and *Impact on other usage*. Mr. McIntyre explained *Current Usage* is usage by dog owners. Dog Owners can provide good information if a green space is a good choice for and OLA or not. *Impact of other usage* is usage by the public, including sports leagues, etc. Mr. McIntyre suggested changing the criteria name of *Current Usage* to *Current Off Leash Status*. The group agreed to the name change.

Ms. Dorfman commented the information provided by dog owners could include the impact of increased usage.

Mr. Bernheimer commented increased usage impacts enforcement.

Ms. Koel commented additional dog owners present may cause other dog owners to be responsible.

Ms. Dorfman inquired if stewardship is an option. Ms. Schein stated stewardship is a subject for a later discussion.

- f. Distribution of Parks – Off-leash areas should be scattered throughout the city (at least one in every ward), so that there is one within a reasonable distance of every resident (walking distance is ideal), and their impact can be mitigated (so as not to concentrate all of the dogs in one park).

Mr. Bernheimer stated OLA's should be scattered around the City so that the impact is mitigated.

Ms. Koel commented the group needs to be careful, if a green space is not a good location for an OLA but an OLA is needed in a ward, forcing the OLA would create issues.

Mr. Kuklinski agrees with Ms. Koel. If the criteria are too specific it would be difficult to do a fair rating of an area.

- g. Enforcement–Will the proposed off-leash area facilitates the Newton Animal Control in their job? Does a proposed site create any special enforcement issues?

Mr. McIntyre stated the group should be careful with the language. Enforcement is important but the group cannot lose sight that the creation of an OLA may help with enforcement.

Mr. Bernheimer inquired if additional parks will reduce illegal OLA throughout the city.

Ms. Koel asked if OLA's will empower dog owners to police themselves.

Mr. McIntyre stated Officer O'Connell has commented his job as the dog officer was easier when he had a group of dog owners to work with.

Ms. Dorfman commented enforcement is an issue in the illegal OLA's not in the legal OLA. Officer Torres would like to have the ability to give out tickets for a first offense, not just a warning.

Mr. Bernheimer agrees this is a good idea.

Ms. Koel asked Officer Torres if he could do that. Officer Torres stated he would have to speak to Chief Cummings.

Mr. McIntyre agrees this is a good idea but this idea would be a phase 2 discussion. Mr. McIntyre will add language about self policing.

- h. Impact on Other Usage–Off-leash areas should be situated in areas with few or no other uses and should interfere as little as possible with other activities in adjacent or shared space.

Mr. Bernheimer stated OLA's should not be located in green spaces with other uses.

Playgrounds are a good place to have fenced OLA's.

Mr. McIntyre requested the group members send him some language.

Ms. Koel stated OLA's cannot always be at the bottom of the list for consideration.

Ms. Dorfman stated there needs to be areas where dog owners and non dog owners co-exist.

- i. Park Access–Consideration should be given to how dog owners will reach the off-leash area. Care should be taken to mitigate the impact on abutters and adjacent activities.

Ms. Koel commented *Park Access* is covered under *Consideration of Abutters*. Ms. Schein agreed.

- j. Parking–Adequate parking should be available and impact neighbors as little as possible.

Mr. Bernheimer commented parking must be considered.

Ms. Dorfman stated estimated usage should be considered to determine parking.

Ms. Koel is concerned with the language for this criteria, the group cannot be sure of the usage of an OLA.

Mr. Bernheimer had to leave for another appointment and commented he is very happy with the work OLAWG is doing.

- k. Site Characteristics–Topography is crucial. Drainage, the absence of ticks, the presence of trees or bushes as a natural buffer, and the slope of the land all should be considered. Where fencing is proposed, the presence of an existing fence is a plus.

Mr. Kuklinski inquired how detailed the criteria should be. What other recommendations should be included, should a water source be a requirement.

Mr. McIntyre & Ms. Schein commented this would be very difficult. Ms. Schein has worked on water sources for human consumption and the process is a very difficult unless the piping already exists.

Ms. Dorfman suggested using the same language as the previous criteria, ‘due consideration...’

- l. Size–An off-leash area should be of adequate size for dogs to run, play, and chase a ball without having undue impact on adjacent activities or abutters. Each off-leash area’s size will depend on local considerations and proposed usage, but a half-acre minimum size should be considered.

Mr. McIntyre stated we do not want to commit to a specific size requirement. The size of an OLA will need to be discussed, but should not be a limiting factor.

Ms. Koel commented an example is a puppy/small dog area would require less space.

2. ADA Requirement

- No update

Respectfully Submitted,
Robin McLaughlin

Action Items:

Item	Person	Date to be completed
Mr. McIntyre will update criteria language and distribute to members	Lee	02/01/10
OLAWG members will review updated language sent by Lee and be prepared to discuss at 02/05/10 meeting.	All	02/05/10